

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JUSTIN BAERGA; STEVEN GREENE,
GIOVANNA SANCHEZ ESQUIVEL; and
SARAH ARVIO, individually and on behalf of
all others similarly situated, and COMMUNITY
ACCESS, INC.; NATIONAL ALLIANCE ON
MENTAL ILLNESS OF NEW YORK CITY,
INC.; and CORRECT CRISIS INTERVENTION
TODAY – NYC,

Plaintiffs,

- against -

CITY OF NEW YORK; BILL DE BLASIO;
DERMOT F. SHEA; NYPD POLICE OFFICER
KRZYSZTOF WNOROWSKI; NYPD POLICE
OFFICER SHERON; NYPD POLICE OFFICER
MCDOWELL; NYPD POLICE SERGEANT
NATHAN MOLE; NYPD POLICE OFFICER
MARTIN HABER; NYPD POLICE SERGEANT
GBAIN; NYPD POLICE OFFICER VIKRAM
PRASAD; NYPD POLICE OFFICER ANDRE
DAWKINS; NYPD POLICE OFFICER TYRONE
FISHER; NYPD POLICE OFFICER DEVIENDRA;
RAMAYYA; NYPD POLICE OFFICER JULIAN
TORRES; NYPD OFFICER SANCHEZ, and
NYPD OFFICERS JOHN and JANE DOES # 1-40,

Defendant.
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21-CV-05762 (PAC)

ORDER

Plaintiffs in this matter request the Court enjoin Defendant New York City’s Mental Health Involuntary Removal Policy—announced on November 29, 2022—pursuant to Federal Rule of Civil Procedure 65(a). ECF Nos. 108–112. Plaintiffs also seek expedited discovery on the same policy.

Defendant alleges a number of procedural deficiencies in Plaintiffs' request. For one, Plaintiffs did not inform Defendants of their intention to file any request with the Court, despite conferring with Defendants on other matters in the days prior to filing. ECF No. 113 at 1–2. While they claim their request is an emergency request, Plaintiffs make no effort to make a “clear and specific showing by affidavit of good and sufficient reasons why a procedure other than by notice of motion is necessary,” and therefore failed to comply with Local Rule 6.1(d). Further, by neglecting to “first request[] an informal conference with the Court by letter-motion for a pre-motion discovery conference,” Plaintiffs failed to comply with Local Rule 37.2. In the context of this case, in which litigation has been ongoing for more than a year and the parties have clearly conferred on numerous matters, there is little reason to file any request without notice to the opposing party.

Nevertheless, the Court declines the Defendants' request to strike Plaintiffs' requests. Instead, as a matter of efficiency, the Court converts the application to a motion for a preliminary injunction and a request for a pre-motion conference on discovery. The parties are further directed to confer regarding an expedited briefing schedule for both matters and a date for a preliminary injunction hearing. A pre-motion conference is set for December 12, 2022, at 3:30 PM in Courtroom 14C, 500 Pearl Street, New York, NY 10007 before Judge Paul A. Crotty.

Dated: New York, New York
December 9, 2022

SO ORDERED



HONORABLE PAUL A. CROTTY
United States District Judge